

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 40-41, 43-47, and 53-58 were pending in the application, of which Claims 40 and 53 are independent. In the Final Office Action dated July 24, 2003, Claims 40-41, 43-47, and 53-58 were rejected under 35 U.S.C. §103(a). Following this response, Claims 40-41, 43-47, and 53-58 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

I. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Final Office Action dated July 24, 2003, the Examiner rejected Claims 40 and 53 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,802,301 ("*Dan*") in view of U.S. Patent No. 6,324,184 ("*Hou*"). Applicant respectfully traverses this rejection because combining *Dan* with *Hou* would not have led to the claimed invention.

Claim 40 is patentably distinguishable over the cited art in that it recites, for example, a computer apparatus for allocating communications bandwidth comprising a computer having a communications interface for sending information over a communications link, and a program on said computer, to permit said computer to act as a server, said program when running, enabling said computer to reallocate bandwidth assigned to users connected to said server over said communications interface, the computer reallocating bandwidth in response to a request for data from one of the users over the communications interface.

Similarly, Claim 53 is patentably distinguishable over the cited art in that it recites, for example, a method for allocating communications bandwidth across a communications interface of a computer comprising the steps of providing information to a plurality of users connected to said computer across said communications interface, receiving a request for data from one of the plurality of users over the communications interface, and reallocating bandwidth assigned to the plurality of users based on the request.

In contrast, and as stated by the Examiner, *Dan* at least does not teach or suggest that the bandwidth **assigned to users** connected to the server over the communications interface is reallocated. Furthermore, *Hou* does not overcome *Dan*'s deficiencies. *Hou* merely discloses when a cable modem or the like of the subscriber unit moves from an inactive state to an active state, e.g., when a switched virtual circuit has been established between the ATM switch and the subscriber unit, the central controller may increase the minimum amount of upstream bandwidth which is assigned to the **subscriber unit**. (See column 8, lines 44-49.) Applicant respectfully submits that a subscriber unit is not a user. A subscriber unit, rather, is a device such, as a router, that may be used in supporting a plurality of users, for example. Like *Dan*, *Hou* at least does not teach or suggest that the bandwidth **assigned to users** is reallocated, rather increasing the minimum amount of upstream bandwidth assigned to a **subscriber unit** is taught by *Hou*.

Combining *Dan* with *Hou* would not have led to the claimed invention because *Dan* and *Hou*, either individually or in combination, at least do not disclose or suggest

enabling said computer to reallocate bandwidth assigned to users, as recited by Claim 40. Similarly, reallocating bandwidth assigned to the plurality of users, as recited by Claim 53, is not disclosed or suggested by *Dan* and *Hou*, either individually or in combination. Accordingly, independent Claims 40 and 53 patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 40 and 53.

Dependent Claims 41, 43-47, and 54-58 are also allowable at least for the reasons above regarding independent Claims 40 and 53, and by virtue of their respective dependencies upon independent Claims 40 and 53. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 41, 43-47, and 54-58.

II. Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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